

REMARKS

Before entry of this Amendment and Response, the status of the application according to the pending Office action is as follows:

- Claims 1, 5, 7-8, 12, 15, and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,383,852 to Goldenberg (hereinafter “Goldenberg”).
- Claims 1, 3-4, 6-11, 14-17, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,797,168 to Trout (hereinafter “Trout”).

Applicants hereby amend independent claims 1, 9, and 15. Support for the amendments can be found at least in claims 3, 5, 10, 12, 16, and 18. Applicants also hereby amend claims 4, 11, and 17 to amend claim dependencies in view of the amendments to claims 1, 9, and 15. In addition, Applicants hereby cancel claims 3, 5, 10, 12, 16, and 18. No new matter is added thereby.

1. Claims 1, 5, 7-8, 12, 15, and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Goldenberg. Applicants respectfully traverse the rejection, as applied to the claims, as amended. Applicants have cancelled claims 5, 12, and 18, thus rendering the rejection moot with regard to those claims.

Briefly, Goldenberg appears to describe a swing in window construction with a block 47 and a locking detent 58. The detent 58 includes an aperture 63 for receiving a pin 64 to secure the block 47 in position. The detent 58 is contacted by the window sash when the sash is seated in the window jamb, thereby disengaging the detent from the pin 64. See page 4, col. 1, ll. 29-72, and FIG. 12, of Goldenberg.

Independent claim 1 was amended to include the subject matter of dependent claim 3, which was not rejected over Goldenberg. Specifically, and as recognized by the Office action,

Goldenberg does not disclose a pivot locking member comprising teeth for engaging the window jamb. Furthermore, Goldenberg discloses a hook and pin arrangement for locking the block in the jamb. As such teeth would serve no purpose. In fact, to modify the locking detent of Goldenberg to include teeth would change the principle of operation of the locking detent of Goldenberg. Accordingly, amended independent claim 1 is allowable over Goldenberg.

Similarly, independent claim 15 was amended to include the subject matter of dependent claim 16, which was not rejected over Goldenberg. Again, Goldenberg does not disclose a pivot locking member comprising teeth for engaging the window jamb. Accordingly, amended independent claim 15 is allowable over Goldenberg.

Applicants respectfully submit that amended independent claims 1 and 15 are patentable over Goldenberg under 35 U.S.C. § 102(b). Because claims 7 and 8 depend directly from the amended independent claim 1, and include all the limitations thereof, Applicants respectfully submit that those claims are patentable as well. Therefore, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and passage of claims 1, 7-8, and 15 to allowance.

2. Claims 1, 3-4, 6-11, 14-17, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Trout. Applicants respectfully traverse the rejection, as applied to the claims, as amended. Applicants have cancelled claims 3, 10, and 16, thus rendering the rejection moot with regard to those claims.

Trout appears to describe a slide body 64 and a bent locking lever 86 pivotally mounted thereto. The locking lever 86 is manually moved between a locked position and an unlocked position by the rotation of a trunnion key 118 located in the window sash. See col. 3, ll. 8-50 and col. 4, ll. 15-66, of Trout.

Independent claim 1 has been amended to include the subject matter of dependent claim 5, which was not rejected over Trout. Specifically, and as recognized by the Office action, Trout does not disclose a pivot locking member biased into a locking position by a spring. Trout appears to rely on the shape and position of the trunnion key to move the locking lever between the unlocked and locked positions, as the sash is tilted. As such, to bias the locking lever into the locked position with a spring would change the principle of operation of the locking lever of Trout. Accordingly, amended independent claim 1 is allowable over Trout.

Similarly, independent claim 9 was amended to include the subject matter of dependent claim 12, which was not rejected over Trout. Again, Trout does not disclose a pivot locking member biased into a locking position by a spring. Accordingly, amended independent claim 9 is allowable over Trout.

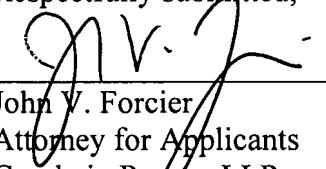
Independent claim 15 was amended to include the subject matter of dependent claim 18, which was not rejected over Trout. As discussed above with respect to claims 1 and 9, Trout does not disclose a pivot locking member biased into a locking position by a spring. Accordingly, amended independent claim 15 is allowable over Trout.

Applicants respectfully submit that amended independent claims 1, 9, and 15 are patentable over Trout under 35 U.S.C. § 102(b). Because claims 4, 6-8, 11, 14, 17, and 19 depend directly from amended independent claims 1, 9, and 15, respectively, and include all the limitations thereof, Applicants respectfully submit that these claims are patentable as well. Therefore, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and passage of claims 1, 4, 6-9, 11, 14, 15, 17, and 19 to allowance.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1, 4, 6-9, 11, 14-15, 17, and 19 in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

  
John V. Forcier  
Attorney for Applicants  
Goodwin Procter LLP  
Exchange Place  
Boston, Massachusetts 02109

Date: May 8, 2007  
Reg. No. 42,545

Customer No. 051414  
Tel. No.: (617) 570-1607  
Fax No.: (617) 523-1231

LIBC/3008672.1